

DAC ZW

I hereby certify that this correspondence is being deposited  
with the United States Postal Service, with sufficient  
postage, as first class mail in an envelope addressed to:

Mail Stop Patent Ext  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

on Jan. 6 2005  
Date of Deposit

RICHARD G. LIONE

Name of applicant, assignee or  
Registered Representative

Richard G. Lione

Signature

1-6-05

Date of Signature

Our Case No. 5935/57

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

David G. Quinn

Serial No. 09/853,916

Filing Date: May 11, 2001

Title: BLOOD VESSEL CATHETER

)  
)  
)  
) Examiner: Matthew F. Desanto  
)  
) Group Art Unit No. 3763  
)  
)

**REQUEST FOR RECONSIDERATION OF**  
**PATENT TERM ADJUSTMENT**  
**PURSUANT TO 37 C.F.R. § 1.705(d)**

Mail Stop Patent Ext  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

A Notice of Allowance has been received in the subject application and the issue fee is  
due on March 9, 2005. Pursuant to 35 U.S.C. § 154(b), the United States Patent and Trademark  
Office has calculated a patent term adjustment of 27 days.

**BEST AVAILABLE COPY**

Applicant's Attorney believes that Applicant is not entitled to any patent term adjustment in this application because a Terminal Disclaimer was filed on June 4, 2004. For that reason, reconsideration of this patent term adjustment is respectfully requested pursuant to 37 C.F.R. 1.705(d). Please charge the petition fee pursuant to 37 C.F.R. § 1.18(e) to Deposit Account No. 23-1925. Please charge any additional fee required or credit for any excess fee paid to Deposit Account No. 23-1925. A duplicate copy of this Petition is attached.

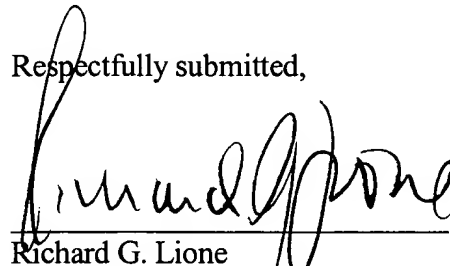
The patent term adjustment for application serial number 09/853,916 was calculated by the U.S. Patent and Trademark Office based on activities and associated dates detailed in the Patent Application Information Retrieval (PAIR) system Patent Term Adjustment History, attached as Exhibit A. Applicant's Attorney believes that errors and/or omissions in the calculation and/or the PAIR system Patent Term Adjustment History may have resulted in an incorrect patent term adjustment for U.S. serial number 09/853,916 as described in detail below. In addition, there were no circumstances during the prosecution of the application resulting in the patent that constitute a failure of the Applicant to engage in reasonable efforts to conclude processing or examination of the present application as set forth in 37 C.F.R. §1.704.

Period of adjustment for activities prior to mailing of Notice of Allowance

As detailed in the Patent Term Adjustment History that is attached as Exhibit A, the patent term adjustment indicated on the Notice of Allowance was 27 days. It is respectfully asserted that the patent term adjustment determined by the U.S. Patent and Trademark Office for U.S. patent number 09/853,916 may not be correct. Accordingly, Applicant's Attorney respectfully requests the U.S. Patent and Trademark office to reconsider, and make revisions to the PAIR system Patent Term Adjustment History in view of the previous remarks. In addition, it is respectfully requested that the patent term adjustment be re-calculated by the U.S. Patent and Trademark

Office in view of the above remarks. Office personnel are invited to contact Applicant's Attorney via telephone if such communication would be beneficial in fulfilling this request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard G. Lione", written over a horizontal line.

Richard G. Lione  
Registration No. 19,795  
Attorney for Applicant

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

## PATENT APPLICATION INFORMATION RETRIEVAL



Printer Friendly Version

## Patent Term Adjustment (PTA) for application number: 09/853,916

			Days
Filing or 371(c) Date:	05-11-2001	USPTO Delay (PTO):	100
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL):	73
Post-Issue Petitions (days):	+0	Total PTA:	27
USPTO Adjustment (days):	+0	Explanation of Calculations	

PAIR

FAQ

Help

Feedback

## Other Links

E-Business  
Center PatentsEmployee  
LocatorClass/Subclass  
GAU InformationInformation  
Contacts

Select Search Option

Continuity Data

Search

File History

Image File Wrapper

Published Documents

## Patent Term Adjustment History

Date	Contents Description	PTO (days)	APPL (days)
12-09-2004	Mail Notice of Allowance	66	
12-07-2004	Issue Revision Completed	↑	
12-07-2004	Notice of Allowance Data Verification Completed	↑	
11-29-2004	Notice of Allowability	↑	
11-16-2004	Paralegal TD Accepted	↑	
06-04-2004	Terminal Disclaimer Filed	↑	↑
09-23-2004	Date Forwarded to Examiner	↑	↑
06-04-2004	Response after Non-Final Action	↑	↑
06-04-2004	Workflow incoming amendment IFW		
03-26-2004	Mail Non-Final Rejection		
03-22-2004	Non-Final Rejection		
01-15-2004	Date Forwarded to Examiner		
01-15-2004	Date Forwarded to Examiner		
01-02-2004	Request for Continued Examination (RCE)		34
01-15-2004	Express Abandonment (for Entry of CPA / RCE / Rule129)		↑
01-02-2004	Request for Extension of Time - Granted		↑
01-02-2004	Workflow - Request for RCE - Begin		↑
11-18-2003	Mail Advisory Action (PTOL - 303)		↑
11-17-2003	Advisory Action (PTOL-303)		↑
11-04-2003	Date Forwarded to Examiner		↑
10-27-2003	Amendment after Final Rejection		↑
08-29-2003	Mail Final Rejection (PTOL - 326)		↑
08-11-2003	Final Rejection		
05-27-2003	Date Forwarded to Examiner		

05-19-2003	Response after Non-Final Action		
03-13-2003	Mail Non-Final Rejection		
03-10-2003	Non-Final Rejection		
12-23-2002	Incoming Letter Pertaining to the Drawings		
01-08-2003	Date Forwarded to Examiner		
12-23-2002	Response after Non-Final Action		39
12-23-2002	Request for Extension of Time - Granted		↑
08-14-2002	Mail Non-Final Rejection	34	↑
08-12-2002	Non-Final Rejection	↑	
07-08-2002	Case Docketed to Examiner in GAU	↑	
05-10-2002	Case Docketed to Examiner in GAU	↑	
03-21-2002	Information Disclosure Statement (IDS) Filed	↑	
08-01-2001	Case Docketed to Examiner in GAU	↑	
07-16-2001	Application Dispatched from OIPE	↑	
07-16-2001	Correspondence Address Change	↑	
07-13-2001	Correspondence Address Change	↑	
05-18-2001	IFW Scan & PACR Auto Security Review	↑	
05-11-2001	Initial Exam Team nn	↑	

---

[|.HOME|](#)[|INDEX|](#)[|SEARCH|](#)[|eBUSINESS|](#)[|CONTACT US|](#)[|PRIVACY STATEMENT](#)

on

Date of Deposit

Name of applicant, assignee or  
Registered Representative

Signature

Date of Signature

Our Case No. 5935/57

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:

David G. Quinn

Serial No. 09/853,916

Filing Date: May 11, 2001

Title: BLOOD VESSEL CATHETER

) ) ) ) ) ) )

Examiner: Matthew F. Desanto

Group Art Unit No. 3763

**REQUEST FOR RECONSIDERATION OF**  
**PATENT TERM ADJUSTMENT**  
**PURSUANT TO 37 C.F.R. § 1.705(d)**

Mail Stop Patent Ext  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

A Notice of Allowance has been received in the subject application and the issue fee is due on March 9, 2005. Pursuant to 35 U.S.C. § 154(b), the United States Patent and Trademark Office has calculated a patent term adjustment of 27 days.

Applicant's Attorney believes that Applicant is not entitled to any patent term adjustment in this application because a Terminal Disclaimer was filed on June 4, 2004. For that reason, reconsideration of this patent term adjustment is respectfully requested pursuant to 37 C.F.R. 1.705(d). Please charge the petition fee pursuant to 37 C.F.R. § 1.18(e) to Deposit Account No. 23-1925. Please charge any additional fee required or credit for any excess fee paid to Deposit Account No. 23-1925. A duplicate copy of this Petition is attached.

The patent term adjustment for application serial number 09/853,916 was calculated by the U.S. Patent and Trademark Office based on activities and associated dates detailed in the Patent Application Information Retrieval (PAIR) system Patent Term Adjustment History, attached as Exhibit A. Applicant's Attorney believes that errors and/or omissions in the calculation and/or the PAIR system Patent Term Adjustment History may have resulted in an incorrect patent term adjustment for U.S. serial number 09/853,916 as described in detail below. In addition, there were no circumstances during the prosecution of the application resulting in the patent that constitute a failure of the Applicant to engage in reasonable efforts to conclude processing or examination of the present application as set forth in 37 C.F.R. §1.704.

Period of adjustment for activities prior to mailing of Notice of Allowance

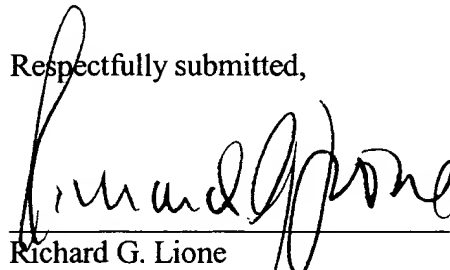
As detailed in the Patent Term Adjustment History that is attached as Exhibit A, the patent term adjustment indicated on the Notice of Allowance was 27 days. It is respectfully asserted that the patent term adjustment determined by the U.S. Patent and Trademark Office for U.S. patent number 09/853,916 may not be correct. Accordingly, Applicant's Attorney respectfully requests the U.S. Patent and Trademark office to reconsider, and make revisions to the PAIR system Patent Term Adjustment History in view of the previous remarks. In addition, it is respectfully requested that the patent term adjustment be re-calculated by the U.S. Patent and Trademark

Serial No. 09/853,916

Date Filed: May 11, 2001

Office in view of the above remarks. Office personnel are invited to contact Applicant's Attorney via telephone if such communication would be beneficial in fulfilling this request.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard G. Lione", written over a horizontal line.

Richard G. Lione  
Registration No. 19,795  
Attorney for Applicant

BRINKS HOFER GILSON & LIONE  
P.O. BOX 10395  
CHICAGO, ILLINOIS 60610  
(312) 321-4200

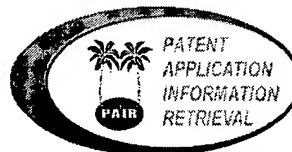




United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)

## PATENT APPLICATION INFORMATION RETRIEVAL



Printer Friendly Version

## Patent Term Adjustment (PTA) for application number: 09/853,916

			Days
Filing or 371(c) Date:	05-11-2001	USPTO Delay (PTO):	100
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL):	73
Post-Issue Petitions (days):	+0	Total PTA:	27
USPTO Adjustment (days):	+0	Explanation of Calculations	

Select Search Option

Continuity Data

Search

File History

Image File Wrapper

Published Documents

## Patent Term Adjustment History

Date	Contents Description	PTO (days)	APPL (days)
12-09-2004	Mail Notice of Allowance	66	
12-07-2004	Issue Revision Completed	↑	
12-07-2004	Notice of Allowance Data Verification Completed	↑	
11-29-2004	Notice of Allowability	↑	
11-16-2004	Paralegal TD Accepted	↑	
06-04-2004	Terminal Disclaimer Filed	↑	↑
09-23-2004	Date Forwarded to Examiner	↑	↑
06-04-2004	Response after Non-Final Action	↑	↑
06-04-2004	Workflow incoming amendment IFW		
03-26-2004	Mail Non-Final Rejection		
03-22-2004	Non-Final Rejection		
01-15-2004	Date Forwarded to Examiner		
01-15-2004	Date Forwarded to Examiner		
01-02-2004	Request for Continued Examination (RCE)		34
01-15-2004	Express Abandonment (for Entry of CPA / RCE / Rule129)		↑
01-02-2004	Request for Extension of Time - Granted		↑
01-02-2004	Workflow - Request for RCE - Begin		↑
11-18-2003	Mail Advisory Action (PTOL - 303)		↑
11-17-2003	Advisory Action (PTOL-303)		↑
11-04-2003	Date Forwarded to Examiner		↑
10-27-2003	Amendment after Final Rejection		↑
08-29-2003	Mail Final Rejection (PTOL - 326)		↑
08-11-2003	Final Rejection		
05-27-2003	Date Forwarded to Examiner		

05-19-2003	Response after Non-Final Action		
03-13-2003	Mail Non-Final Rejection		
03-10-2003	Non-Final Rejection		
12-23-2002	Incoming Letter Pertaining to the Drawings		
01-08-2003	Date Forwarded to Examiner		
12-23-2002	Response after Non-Final Action		39
12-23-2002	Request for Extension of Time - Granted		↑
08-14-2002	Mail Non-Final Rejection	34	↑
08-12-2002	Non-Final Rejection	↑	
07-08-2002	Case Docketed to Examiner in GAU	↑	
05-10-2002	Case Docketed to Examiner in GAU	↑	
03-21-2002	Information Disclosure Statement (IDS) Filed	↑	
08-01-2001	Case Docketed to Examiner in GAU	↑	
07-16-2001	Application Dispatched from OIPE	↑	
07-16-2001	Correspondence Address Change	↑	
07-13-2001	Correspondence Address Change	↑	
05-18-2001	IFW Scan & PACR Auto Security Review	↑	
05-11-2001	Initial Exam Team nn	↑	

---

[|.HOME|](#)[INDEX|](#)[SEARCH|](#)[eBUSINESS|](#)[CONTACT US|](#)[PRIVACY STATEMENT](#)

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: 1-6-05 Name: Richard G. Lione, Reg. No. 19,795 Signature: [Signature]

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Appln. of: **David G. Quinn**

Appln. No.: **09/853,916**

Filed: **May 11, 2001**

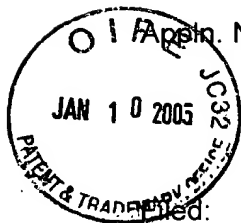
For: **BLOOD VESSEL CATHETER**

Attorney Docket No: **5935/57**

**BRINKS  
HOFER  
GILSON  
& LIONE**

Examiner: **Matthew F. Desanto**

Art Unit: **3763**



Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL**

Sir:

**Attached is/are:**

☒ Transmittal (in Duplicate); Request for Reconsideration of Patent Term Adjustment Pursuant to 37 C.F.R. Section 1.705(d) (in duplicate); and a Copy of the Patent Application Information Retrieval (PAIR) System Patent Term Adjustment History.

☒ Return Receipt Postcard

**Fee calculation:**

☒ No additional fee is required.

☐ Small Entity.

☐ An extension fee in an amount of \$\_\_\_\_\_ for a \_\_\_\_\_-month extension of time under 37 C.F.R. § 1.136(a).

☐ A petition or processing fee in an amount of \$\_\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_).

☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$25=			x \$50=	
Indep.		Minus			x 100=			x \$200=	
First Presentation of Multiple Dep. Claim					+\$180=			+\$360=	
					Total	\$		Total	\$

**Fee payment:**

☐ A check in the amount of \$\_\_\_\_\_ is enclosed.

☐ Please charge Deposit Account No. 23-1925 in the amount of \$\_\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.

☐ Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).

☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Jan. 6, 2005  
Date

Respectfully submitted,

[Signature]  
Richard G. Lione (Reg. No. 19,795)

**This Page is Inserted by IFW Indexing and Scanning  
Operations and is not part of the Official Record**

**BEST AVAILABLE IMAGES**

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ BLACK BORDERS
- ☐ IMAGE CUT OFF AT TOP, BOTTOM OR SIDES
- ☐ FADED TEXT OR DRAWING
- ☐ BLURRED OR ILLEGIBLE TEXT OR DRAWING
- ☐ SKEWED/SLANTED IMAGES
- ☐ COLOR OR BLACK AND WHITE PHOTOGRAPHS
- ☒ GRAY SCALE DOCUMENTS
- ☒ LINES OR MARKS ON ORIGINAL DOCUMENT
- ☐ REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY
- ☐ OTHER: \_\_\_\_\_

**IMAGES ARE BEST AVAILABLE COPY.**

**As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.**